

House Bill 3222

Sponsored by Representative HOLVEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Department of Environmental Quality from issuing air quality permits for new or modified sources that department determines may pose material threat to compliance with air quality standards unless certain requirements for review by governing body of county where source will be located are met. Authorizes department to deny permit after receipt of comments from governing body of county based on certain criteria.

A BILL FOR AN ACT

1
2 Relating to air quality permitting.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 468A.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Governing body" means the county court or board of county commissioners.

7 (b) "Material threat to compliance with air quality standards" means an increase in the
8 concentration of a regulated pollutant to a level that brings total concentration of that reg-
9 ulated pollutant for an area of the state to within 85 percent or more of the concentration
10 level at which the area would be designated a nonattainment area in the State of Oregon
11 Clean Air Act Implementation Plan.

12 (c) "Nonattainment area" has the meaning given that term pursuant to ORS 468A.040.

13 (2) The Department of Environmental Quality may not issue a permit pursuant to ORS
14 468.065 or 468A.040 for a new or modified source that the department determines may pose
15 a material threat to compliance with air quality standards unless:

16 (a) The commission has complied with subsection (4) of this section; and

17 (b) Except as is otherwise prohibited by federal law, the permit includes the conditions
18 requested pursuant to subsection (5) of this section.

19 (3) The department shall deny a permit if the department concludes, after consideration
20 of the comments submitted under subsection (5) of this section, that:

21 (a) No emission limitation, design, equipment, work practice, operations standard or
22 combination thereof would be sufficient to prevent the new or modified source from pre-
23 senting a material threat to compliance with air quality standards; and

24 (b) The governing body of the county where the new or modified source would be located
25 objects to the issuance of the permit.

26 (4) Within 30 days after receipt of a complete application for a permit under ORS 468.065
27 or 468A.040 for a new or modified source that the department determines may pose a mate-
28 rial threat to compliance with air quality standards, the department shall provide notice and
29 a copy of the complete application to the governing body of the county where the new or
30 modified source will be located. The notice shall identify the reasons why the department has

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **determined that the new or modified source will pose a material threat to compliance with**
2 **air quality standards.**

3 **(5) A governing body of a county that receives notice under subsection (4) of this section**
4 **shall, within 30 days after receipt of the notice, provide comments to the department re-**
5 **garding the permit application. Comments provided for under this subsection may include**
6 **but need not be limited to:**

7 **(a) Proposals for conditions to be placed on the permit to protect air quality within the**
8 **area of the state where the new or modified source would be located.**

9 **(b) Objections to issuance of the permit.**

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